

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

Christina McCormick,

Case No. 5:20cv2510

Plaintiff,

JUDGE PAMELA A. BARKER

-vs-

Magistrate Judge Amanda M. Knapp

Commissioner of Social Security,

**MEMORANDUM OPINION
AND ORDER**

Defendant.

This matter is before the Court upon the Report and Recommendation of Magistrate Judge Amana Knapp (Doc. No. 20), recommending that the decision of the Commissioner be remanded for further proceedings. No objections have been filed. For the following reasons, the Report and Recommendation is ADOPTED. The decision of the Commissioner is VACATED and the case is REMANDED for further consideration consistent with the Report & Recommendation.

I. Background

On November 6, 2020, Plaintiff Christina McCormick filed a Complaint (Doc. No. 1) challenging the final decision of the Defendant Commissioner of Social Security (“Commissioner”), denying her application for Disability Insurance Benefits (“DIB”) under Title II of the Social Security Act, 42 U.S.C. §§ 416(i), 423, and 1381 *et seq.* (“Act”). Pursuant to Local Rule 72.2(b), the case was referred to Magistrate Judge Knapp.¹

¹ The docket reflects that this matter was initially referred to Magistrate Judge Kathleen Burke on November 9, 2020. The parties later consented to Magistrate Judge Burke on May 27, 2021. (Doc. No. 14.) On October 1, 2021, upon the retirement of Magistrate Judge Burke and pursuant to General Order 2021-15, the consent was terminated, the case was returned to the undersigned, and the matter was referred to Magistrate Judge Amanda Knapp.

On January 27, 2022, the Magistrate Judge issued a Report and Recommendation, in which she found that the ALJ had erred at Steps Two, Three and Four of the sequential analysis in evaluating the evidence relating to McCormick's schizoaffective disorder, cognitive impairments, and activities of daily living. (Doc. No. 20.) The Magistrate Judge, therefore, recommended that the decision of the Commissioner denying McCormick's application for benefits be vacated and the case remanded for further proceedings consistent with the Report & Recommendation. (*Id.*) Objections to the Report and Recommendation were to be filed within 14 days of service. No objections were filed.

II. Standard of Review

The applicable standard of review of a Magistrate Judge's Report and Recommendation depends upon whether objections were made to that report. When objections are made, the district court reviews the case *de novo*. Specifically, Federal Rule of Civil Procedure 72(b) states in pertinent part:

The district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instruction.

Although the standard of review when no objections are made is not expressly addressed in Rule 72, the Advisory Committee Notes to that Rule provide that "[w]hen no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *See* Fed. R. Civ. P. 72, Advisory Committee Notes. Moreover, in *Thomas v. Arn*, 474 U.S. 140, 150 (1985), the United States Supreme Court explained that "[i]t does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."

III. Analysis and Conclusion

Here, as stated above, no objections were filed to the Report and Recommendation of Magistrate Judge Knapp that the decision of the Commissioner be vacated and the case remanded. This Court has nonetheless carefully and thoroughly reviewed the Report and Recommendation and agrees with the findings set forth therein. The Report and Recommendation of Magistrate Judge Knapp is, therefore, ADOPTED. The decision of the Commissioner denying Plaintiff's application for DIB is VACATED and the case is REMANDED for further proceedings consistent with the Report & Recommendation.

IT IS SO ORDERED.

Date: February 15, 2022

s/Pamela A. Barker
PAMELA A. BARKER
U. S. DISTRICT JUDGE